



DEPARTMENT OF THE NAVY

NAVAL SURFACE WARFARE CENTER
PORT HUENEME DIVISION
4363 MISSILE WAY
PORT HUENEME, CA 93043-4307

5720
Ser 00L/012
February 26, 2019

Mr. Moises Rodriguez
c/o Ms. Shaina Granillo
Quality Innovative Solutions, Inc.
1741 Ives Ave. Suite B
Oxnard, CA 93033-1866

SUBJECT: FREEDOM OF INFORMATION ACT CASE DON-NAVY-2016-009426

Dear Ms. Granillo:

This is a final response to Quality Innovative Solutions' September 1, 2016 Freedom of Information Act (FOIA) request (DON-NAVY-2016-009426) in which you seek a copy of awarded task order N00178-04-D-4091-L606, the source selection decision document (SSDD), all technical instructions, and documents identifying the staffing plan and key personnel positions.

A thorough search of Naval Surface Warfare Center, Port Hueneme Division files was conducted and knowledgeable personnel were able to identify and locate the requested documents. After careful review of those documents in accordance with the FOIA (5 U.S.C. § 552), and Secretary of the Navy Instruction 5720.42G, your request is granted in part and denied in part. Certain portions of your request are exempt from disclosure under FOIA exemptions (b)(3), (b)(4), (b)(5), and (b)(6).

FOIA exemption (b)(3) requires the withholding of information prohibited from disclosure by another statute provided that the statute "(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld." 5.U.S.C. § 552(b)(3).

Title 10 U.S.C. 2305(g) prohibits the release of a proposal submitted by a contractor in response to a competitive solicitation, except for those portions of the proposal set forth in a Department of Defense contract.

FOIA exemption (b)(4) protects trade secrets or confidential commercial or financial information, the disclosure

of which would likely cause substantial competitive harm to the source, or would impair the government's ability to obtain similar information in the future.

FOIA exemption (b)(5) protects the release of pre-decisional and deliberative documents, the disclosure of which would be detrimental to the Navy's decision-making process by creating a chilling effect on the expression of candid opinions and inhibiting the free and frank exchange of information among agency personnel.

FOIA exemption (b)(6) protects the privacy interest of individuals. A restriction is placed on the disclosure of items that a party has a privacy interest in of more than a de minimis level, which outweighs the interest of public disclosure. That privacy interest includes third-party information, names and addresses of civilians, including government employees and contractors.

Portions of the awarded task order N00178-04-D-4091-L606, documents identifying the staffing plan and key personnel positions, and the technical instructions contain information described under FOIA exemptions (b)(4) and (b)(6). Therefore, these documents are provided to you with the portions of the documents that contain confidential commercial or financial information or personally identifiable information redacted.

The source selection decision document you have requested contains the types of information described by several of the aforementioned exemptions, and its release is therefore prohibited from public disclosure. Accordingly, I am denying your request for that document under exemptions (b)(3), (b)(4), and (b)(5).

I am the official responsible for the decision regarding your request. You are advised of your right to appeal this decision. Should you decide to appeal this determination, you must do so in writing to:

Department of the Navy
Office of the General Counsel
1000 Navy Pentagon, Room 4E365
Washington, DC 20350-1000

Your appeal must be postmarked within 90 calendar days from the date of this letter. A copy of your initial request and this

5720
Ser 00L/012
February 26, 2019

letter must accompany the appeal. The appeal should be marked "FREEDOM OF INFORMATION APPEAL" both on the envelope and the face of the letter. In order to expedite the appellate process and to ensure full consideration of your appeal, it should contain a brief statement of the reasons you believe this decision to be in error. Additionally, send a copy of your appeal to the following address:

The Office of General Counsel (Code 00L)
Naval Surface Warfare Center, Port Hueneme Division
4343 Missile Way, Port Hueneme CA, 93043

For this determination, you also have the right to seek dispute resolution services from either the Department of the Navy FOIA Public Liaison, Mr. Chris Julka, at: Christopher.a.julka@navy.mil, via phone: (703) 697-0031; or by contacting the Office of Government Information Services at: (<https://ogis.archives.gov/>), (202) 741-5770, ogis@nara.gov.

Questions regarding the action taken by this office to process your request may be directed to the Navy FOIA Service Center at (202) 685-0412 or via email at donfoia-pa@navy.mil.

Fees for processing your request are being waived in this instance since your request was not processed within 20 working days. However, fees are assessed on a case-by-case basis and you may be charged fees for future requests.

If you have any questions concerning the processing of your request, you may contact Elaine Portner at (805) 228-8247 or elaine.portner@navy.mil.

Sincerely,



A. MAGLASANG-MILLER
Initial Denial Authority

Enclosures:

Contract N00178-04-D-4091-L606 (redacted)
Documents identifying staffing plan and key personnel (redacted)
Technical Instructions for N00178-04-D-4091-L606 (redacted)